

Date: Thu, 26 Oct 2000 11:25:12 -0700
To: "Cech, Thomas" <cecht@hhmi.org>
From: "Patrick O. Brown" <pbrown@cmgm.stanford.edu>
Subject: The open letter
Cc: pbrown@cmgm.stanford.edu, varmus@mskcc.org

Hi Tom,

Thanks for your thoughtful reply. I'm having a very busy day today, and so will need to reply thoughtfully to this letter later when I've gotten my head above water.

Briefly: the letter is intended to provide a strong voice and an assertive position with which we can approach the publishers to discuss this issue. I have already had many discussions with publishers on this issue, and they are incredibly conservative about it, and frankly out of step with the scientists whom they purport to serve. The letter it intended to give voice to what virtually all their constituents would say as individuals. And the third paragraph isn't blackmail, its a perfectly legitimate action that turns what would otherwise be pleading and whining and wishful thinking into a position of strength for talking with the publishers.

What we want is simple and fair to everyone, including the non-profit publishers: The publishers get a **six month lease**, rather than ownership of the original research reports they publish. After that, the published record becomes public domain. The publishers get this 6 month interval to recover their costs and make a profit, but they don't get to own the only permanent record of the scientific progress, subsidized by tens of billions of dollars of mostly public money every year, and representing the original ideas and millions of hours of hard work by hundreds of thousands of scientists, and the voluntary participation of patients in many cases. For the publishers, for-profit or non-profit, to OWN the only permanent record of scientific research, and to limit access by the public and by scientists - THAT is what is really unfair.

Dear Pat and Harold,

I strongly support your goal. I have concerns about the strategy, and also about the fairness to the non-profit publishers. By "non-profit publishers" I'm thinking of Science, whose income all goes to AAAS; the many ACS journals including BIOCHEMISTRY, where I'm under the impression that income goes to ACS; the RNA Journal, published by an agreement between the RNA Society and OUP in a clever scheme set up by John Abelson and others, whereby OUP takes the financial risk and the substantial up-front costs but in the long run it will generate a substantial income stream to send students to meetings, fund workshops and conferences, etc.; and EMBO J., where I know from talking to Frank Gannon that the journal income is a major fraction of the funds that he has to try to achieve some cohesiveness among disparate European states.

Re. the strategy, your letter begins with two very reasonable paragraphs, and then the third paragraph (while beginning with "To encourage") ends up sounding like blackmail. Instead of working WITH our friends at the non-profit journals, it comes across as a threat (it will be read between-the-lines as "If you don't join up, we're going to hit you where it hurts.") I think a much stronger strategy would be to get the non-profit publishers to JOIN the discussion early on, and then to ask them to SIGN a publishers-version of the Open Letter -- work with them, not against them. Now presumably you're already engaged in or have tried to engage in such dialog....are the publishers unwilling to talk, is that what's driving you to this posture?

We are already actively talking with publishers and intend to do so more. We initiated those conversations a long time ago, and were met with a dismissive and passive aggressive stance even from most of the societies, as Harold can tell you better than I. They will be a lot more willing to listen and talk seriously when faced with this statement of solidarity among scientists than they would have been otherwise. And frankly if they don't serve the scientific community, they DESERVE to lose our loyalty.

You might ask, why would any reasonable publisher NOT agree? First, there may be costs to them to transmit the files to PubMed Central and other on-line public resources, and you have not incorporated a means to reimburse them for these. Why should there be costs? Now that I've moved from the academic to the "real world", I'm amazed every day at how simple things that a grad. student at Colorado does in their spare time (like maintain the lab website) are out-sourced at

\$100K/year or more at HHMI, and I know that AAAS incurs similar costs. And who among us has not submitted figures electronically to journals, only to find that they look different when downloaded using different computers? someone will need to trouble-shoot. Second, there could be legal and copyright issues. The publisher may effectively be giving up their copyright by allowing free access; what are the implications? Third, do publishers derive any significant downstream income (post-6 mo. of publication) that would now be lost? If so, their non-profit recipients will pay the price. I don't know whether any of the above is a significant issue, or whether your conversations with publishers have turned up other concerns that are more significant to them than the ones I'm voicing.

Bottom line: What are the concerns of Science, ACS, RNA, EMBO, etc? If they have legitimate ones, can you ameliorate them? If they have no concerns, is it not a better strategy to have them join the letter-signers?

I realize that the publishers may face financial challenges, and yet I also think that the principle is more important than the small loss of income to AAAS, or subsidies for scientific meetings that come from the journal income. I'm sure that other mechanisms could be found to cover these. After all, were a smart bunch, and if the scientific community wants these things, and also wants the scientific record to be in the public domain, we can figure out how to do it. I don't see any reason to be defeatist about our ability to solve this problem.

The whole idea IS exactly to have the publishers join the letter signers. That's why we said the letter would be published in May - so that we would have 6 months for quiet diplomacy with the publishers, which I hope would result in a very long list of journals that the signers would commit to supporting. (But without such a letter, the publishers would have much less incentive to find a way to do this).